

REMARKS

1. Claim Rejections -- 35 U.S.C. § 103

Claims 1-4, 7-19, 21-27 and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,782,442 to 6,607,340 (hereinafter referred to as “the Kwak reference” or “Kwak”), and in view of United States Patent No. 6,607,340 to Petzl et al. (hereinafter “Petzl”).

In response, applicant respectfully submits that the rejection under Section 103 is improper. More particularly, applicant submits that the Examiner is relying on the same Kwak reference for both the primary and secondary references within the Section 103 rejection, even though the secondary reference cited is the Petzl reference. Specifically, the Examiner has indicated that Petzl teaches, “a crank handle configured to displace by flex in any direction from a resting position to a plurality of flexed positions and to automatically return to the resting position without the need for manual manipulation and crank support means being flexed.” See Office Action, pg. 3. The Examiner cites Petzl, figure 2 in support of this.

Upon review of the Petzl reference, and particularly the discussion of prior art figure 2, Petzl states, “... as shown in FIG. 2, a retractable finger 23 articulated on the attachment lug and forming a crank-handle in the raised position. The latter technique is described in detail in the document FR-A-2,758,992 (Black Diamond).” See Petzl, col. 2, ln. 1-5. As such, figure 2 in Petzl illustrates a retractable crank handle as taught and described in FR-A-2,758,992.

Applicant would like to bring to the Examiner’s attention the FR-A-2,758,992 reference cited and discussed in Petzl. Specifically, applicant would like to bring to the Examiner’s attention that the FR-A-2,758,992 reference is the corresponding French application of cited U.S. patent to Kwak. In other words, the cited US patent to Kwak and FR-A-2,758,992 to Kwak are the same, or at least similar, and comprise the same, or at least similar, invention and teachings. This is evidenced by the priority statement on the first page of the FR-A-2,758,992 reference, in which the application claims priority to U.S. Application Serial No. 10/792,954, which application number corresponds to the cited U.S. Kwak patent. Therefore, the Petzl reference is discussing the same Kwak

reference relied upon by the Examiner as the primary reference in the present Section 103 rejection.

Based on the foregoing, applicant submits that the secondary Petzl reference cannot be combined with the primary Kwak reference to arrive at the claims of the present invention since the portion of the Petzl reference relied upon by the Examiner sets forth a discussion of the French equivalent of the Kwak reference. The rejection is circular.

Moreover, Petzl itself does not teach a flexing crank handle, only the same crank handle found in the Kwak reference. As the Kwak reference has been overcome in the present case in previous communications, and as Petzl, nor the references cited in Petzl, cannot be relied upon for their teachings, applicant respectfully requests that the 103 rejection be withdrawn.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the claims are in a condition for allowance, and action to that end is respectfully requested.

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 7th day of June, 2006.

Respectfully submitted,

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